

ORDINANCE NO. 2018-1381

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY REZONING APPROXIMATELY 9.3 ACRES FROM GENERAL COMMERCIAL (C-2) TO PLANNED AREA DEVELOPMENT (PAD) WITH A LAND USE DESIGNATION OF MANUFACTURED HOME/RECREATIONAL VEHICLE PARK (MH/RVP); AMENDING THE ZONING MAP OF THE CITY OF GOODYEAR; PROVIDING FOR NON-ABRIDGMENT; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PENALTIES.

WHEREAS, the approximately 9.3-acre subject property ("Property") was originally a part of the Cotton Lane RV/Mobile Home and Golf Resort PAD approved on May 28, 1996, with the adoption of Ordinance No. 96-551. Per the PAD, the Property had a land use designation of Mobile Home Park/Recreational Vehicle; and

WHEREAS, the PAD is permitted a maximum of 1,500 RV and mobile home spaces, along with a golf course and several commercial parcels. To date, approximately 438 of the 1,500 spaces have been developed; and

WHEREAS, the Property was included in a subsequent rezoning of approximately 18.8 acres in which the Property was rezoned to General Commercial (C-2) by Ordinance No. 09-1159 approved on February 23, 2009. The rezoning was to facilitate the development of a commercial center to be called "The Shops at Citrus Center"; and

WHEREAS, a site plan for "The Shops at Citrus Center" was approved on December 23, 2010. However, the commercial center was never developed and the site plan has since expired; and

WHEREAS, the the owner of the adjacent property, which is included in the Cotton Lane RV/Mobile Home and Golf Resort PAD, acquired the Property and seeks to rezone the Property from General Commercial (C-2) to Planned Area Development (PAD) subject to the Cotton Lane RV/Mobile Home and Golf Resort; and

WHEREAS, a request to rezone property requires public review and approval by the Planning and Zoning Commission and the City Council. The proposed rezoning and amendment should be in conformance with the General Plan and should not adversely impact the surrounding area; and

WHEREAS, staff has determined that the proposed rezoning is consistent with the General Plan and will not adversely impact the surrounding area as outlined in the Zoning Ordinance; and

WHEREAS, public notice that this rezoning was to be considered and reviewed at a public hearing before the Planning and Zoning Commission on February 14, 2018, appeared in the Arizona Republic Southwest Valley edition on January 26, 2018; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on February 14, 2018, to consider the subject request, and the Commission voted (5-0) to recommend approval of the request; and

WHEREAS, public notice that this rezoning and was to be considered and reviewed at a public hearing before the City Council on February 26, 2018, appeared in the Arizona Republic Southwest Valley edition on January 26, 2018; and

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona find the adoption of this ordinance to be in the best interests of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. DESCRIPTION OF THE PROPERTY BEING REZONED

This Ordinance No. 2018-1381 applies to that parcel of land in Goodyear, Maricopa County, Arizona, generally located on the north side of Van Buren Street, approximately 930 feet east of Citrus Road, as shown on Supplementary Zoning Map No. 17-01, attached hereto as Exhibit A, and as legally described in Exhibit B, attached hereto.

SECTION 2. REZONING AND PLANNED AREA DEVELOPMENT AMENDMENT

The Property is hereby conditionally rezoned from General Commercial (C-2) to Planned Area Development (PAD) with a land use designation of MH/RVP.

SECTION 3. STIPULATIONS

The development of the Property is subject to the following stipulations:

1. The development of the Property shall comply with the Planned Area Development and Manufactured Home/Recreational Vehicle Park zoning district criteria and regulations and with all applicable State, County and City Codes and Ordinances;
2. The development of the Property shall be in conformance with the Cotton Lane RV/Mobile Home and Golf Resort PAD dated May 28, 1996;
3. The development of the Property shall be in compliance with all stipulations and conditions of approval for the Cotton Lane RV/Mobile Home and Golf Resort PAD as contained in Ordinance No. 96-551;
4. The owner shall provide written notice to all future tenants, and shall include the following statement in said written notice: "Cotton Lane RV is subject to attendant noise, vibrations, dust, and all other effects that may be caused by overflights and by the operation of aircraft landing at, or taking off from the

Phoenix Goodyear Airport and Luke Air Force Base; and the tenant does release and discharge the city of Goodyear from any liability for any and all claims for future damages and complaints of any kind to persons or property that may arise at any time in the future from the operation of aircraft near and over the area. Cotton Lane RV is also subject to attendant noise that may be caused from vehicular traffic on Interstate 10 and the Loop 303”; and,

5. The owner shall post signage within the rental office identifying the location of the Luke Air Force Base Accident Potential Zones (APZs), 65 Ldn and higher noise contours, and departure corridors, as well as the Phoenix Goodyear Airport Traffic Pattern Area and noise contours. This display shall include a 24-inch by 36-inch map at the main entrance of such rental facility and shall include the approximate locations of the rental spaces clearly depicted;

SECTION 4. AMENDMENT OF ZONING MAP

The Zoning Map of the city of Goodyear is hereby amended to reflect the rezoning and amendment of the Property, referred to herein by the adoption of Supplementary Zoning Map No. 17-01, a copy of which is attached hereto as Exhibit A, and such amendment shall be filed with the City Clerk in the same manner as the Zoning Map of the city of Goodyear.

SECTION 5. ABRIDGMENT OF OTHER LAWS

Except where expressly provided, nothing contained herein shall be construed to be an abridgement of any other ordinance, regulation, or requirement of the city of Goodyear.

SECTION 6. CORRECTIONS

The Zoning Administrator, City Clerk, and the codifiers of this Ordinance are authorized to make necessary clerical corrections to this Ordinance, including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 7. SEVERABILITY

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective as prescribed by law. The provisions of the city of Goodyear Zoning Ordinance being amended by this Ordinance shall remain in full force and effect until the effective date of this Ordinance.

SECTION 9. PENALTIES

Any person who violates any provision of this Ordinance shall be subject to penalties set forth in Section 1-2-3 of the city of Goodyear Zoning Ordinance as it may be amended from time to time and which currently provides:

Section 1-2-3 Violations and Penalties

- A. It is unlawful to construct, erect, install, alter, change, maintain, use or to permit the construction, erection, installation, alteration, change, maintenance, or use of any house, building, structure, sign, landscaped area, parking lot or fence, or to permit the use of any lot or land contrary to, or in violation of any provisions of this Ordinance, or of any conditions, stipulations or requirements included as a condition of any applicable approval. Any land use that is specifically prohibited by this Ordinance or is unspecified and not classified by the Zoning Administrator is prohibited in any district.
- B. Responsible Party. The responsible party for any violations hereunder is the owner of personal property improvements or real property and/or person in possession or control of any personal property improvements or real property (Person). The responsible party shall be responsible for any violations hereunder whether or not the responsible party or its agent committed the prohibited act(s) or neglected to prevent the commission of the prohibited act(s) by another.
- C. Every Responsible Party shall be deemed responsible or guilty of a separate offense for each and every day during which any violation is committed or continued.
- D. Penalty. Any Person who violates any of the provisions of this Ordinance and any amendments there to and/or any conditions, stipulations or requirements included as a condition of any applicable approval shall be:
 - 1. Subject to civil sanctions of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per offense; or
 - 2. Guilty of a class 1 misdemeanor, punishable by a fine not exceeding two thousand five hundred dollars (\$2,500), or by a term of probation not exceeding three (3) years, or imprisonment for a term not exceeding six (6) months, or punishable by a combination of fine, probation or imprisonment. The City Prosecutor is authorized to file

